

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLES H. JOHNSON,

Plaintiff,

Case No. 07-13752

Hon. Marianne O. Battani

v.

Magistrate Judge Virginia Morgan

CITY OF DETROIT,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION DENYING PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AND DEFENDANT'S REQUEST TO DISMISS**

Plaintiff filed his Complaint alleging Defendant discriminated against him in his application for various jobs. Prior to the close of discovery, he filed his motion for partial summary judgment (Doc. No. 16) and Defendant requested dismissal of the complaint in its responsive pleading.

The Court subsequently referred this matter to Magistrate Judge Virginia Morgan for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). In a Report and Recommendation ("R&R") dated May 27, 2008, Magistrate Judge Morgan recommended that both motions be denied because neither party is entitled to the requested relief at this stage of the proceedings.

The Court has reviewed the pleadings and has conducted a *de novo* review of the R&R. The Court finds the R&R accurately articulates the law and presents a well-reasoned, persuasive analysis of the application of governing law to the facts of this case.

The Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 10-11. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **DENIES** Plaintiff's motion and the City's request.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: June 23, 2008

CERTIFICATE OF SERVICE

Copies of this Order were e-filed and/or mailed to Plaintiff and counsel of record on this date.

s/Bernadette M. Thebolt
Deputy Clerk